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MARKUP OF H. RES. 147, THE OMNIBUS COMMITTEE FUNDING RESOLUTION; AND THREE COMMITTEE RESOLUTIONS

MEETING

BEFORE THE

COMMITTEE ON HOUSE ADMINISTRATION HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

Held in Washington, DC, March 9, 2011

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MARKUP OF H. RES. 147, THE OMNIBUS COMMITTEE FUNDING RESOLUTION; COMMITTEE RESOLUTION ON VIEWS AND ESTIMATES ON MATTERS WITHIN THE COMMITTEE'S JURISDICTION; COMMITTEE RESOLUTION FOR FRANKED MAIL ALLOWANCES FOR CERTAIN COMMITTEES; AND COMMITTEE RESOLUTION TO APPROVE CONSULTING CONTRACT

WEDNESDAY, MARCH 9, 2011

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The committee met, pursuant to call, at 1:04 p.m., in room 1310, Longworth House Office Building, Hon. Daniel E. Lungren (chairman of the committee) presiding.

Present: Representatives Lungren, Harper, Gingrey, Schock, Rokita, Nugent, and Brady.

Staff Present: Phil Kiko, Staff Director and General Counsel; Kimani Little, Parliamentarian; Joe Wallace, Legislative Clerk; Yael Barash, Assistant Legislative Clerk; Salley Wood, Communications Director; Karin Moore, Elections Counsel; George Hadjiski, Member Services Staff; Richard Capetto, Member Services Staff; Kyle Andersen, Minority press Secretary; Matt Defreitas, Minority Professional Staff; Khalil Abboud, Minority Elections Staff; and Thomas Hicks, Minority Elections Counsel.

The CHAIRMAN. Now I would like to call to order the Committee on House Administration for today's markup.

The meeting record will remain open for 5 legislative days so that members may submit any materials they wish to be included therein. A quorum is present, so we may proceed.

First, we will mark up H. Res. 147, the Omnibus Committee Funding Resolution, which will authorize committee budgets for the 112th Congress.

Last week, we had two informative days of hearings listening to the chairs and ranking members share their views on the respective budget proposals. Adhering to House Resolution 22 passed earlier this year, I am happy to say that each committee has proposed a budget with at least a 5 percent reduction from the fiscal year 2010 levels. If we include Judiciary, it is even lower than that.

We are committed to leading by example and cutting government waste, rooting out inefficiencies, and conducting essential and effective oversight for vast administrative agencies. These budgets allow this House to fulfill that mission.

We will also consider a Committee Resolution to Approve Franked Mail Allowances for Committees for the 112th Congress, a Committee Resolution to Approve Committee Views and Estimates for fiscal year 2012, and a Committee Resolution to Approve a Consulting Contract.

I want to thank each of my colleagues on both sides of the aisle for their service to this committee, and thereby to the whole House, and for showing up so that we can have a quorum and complete our work.

I would like to recognize my colleague and the committee's ranking member, Mr. Brady, for the purpose of providing an opening statement, if he wishes.

Mr. BRADY. Thank you, Mr. Chairman.

I would like to join with Chairman Lungren in support of the committee funding resolution and urge my colleagues to do as well. As he indicated in hearings last week, allocating money is easy when you don't have any.

Our decisions were straightforward and aided by the fact that every committee came before us with the requisite 5 percent reduction as compared to the last Congress. Virtually every committee chair and ranking member pointed out the challenges they are facing retaining and compensating their staffs. Across the board and on a bipartisan basis, they represent our greatest asset and are largely the reason we are able to accomplish the work of the people. Now more than ever I think we should acknowledge their hard work, and I continually thank them and thank them for the cuts they had to make, and I urge my colleagues to support this resolution.

The CHAIRMAN. Thank you very much, Mr. Brady.

H. Res. 147, the Omnibus Committee Funding Resolution, authorizes our committee budgets for the 112th Congress. As was suggested, each committee has proposed 5 percent budget reductions from fiscal year 2010 levels. As each chair and ranking member testified, they are reallocating resources, reassessing staff needs, all the while maintaining their commitment to excellence in their committee work. Obviously, families across this country are doing the same, and we must as well.

Additionally, we have received statements from ranking members and chairmen that they had worked out their allocation amongst themselves with the budget considering the traditional one-third/two-thirds split.

So this resolution is a simple, straightforward, sensible measure empowering our committees to do their work within the budgets so established. I urge adoption of H. Res. 147.

If Mr. Brady has any further comments on this—he does not, so I will now call up and lay before the committee House Resolution 147, the Omnibus Committee Expense Resolution of the 112th Congress. Without objection, the resolution will now be considered as read and open to amendment at any point.

[The information follows:]

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IV

112TH CONGRESS
1ST SESSION

H. RES. 147

Providing for the expenses of certain committees of the House of Representatives in the One Hundred Twelfth Congress.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2011

Mr. DANIEL E. LUNGREN of California submitted the following resolution; which was referred to the Committee on House Administration

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RESOLUTION

Providing for the expenses of certain committees of the House of Representatives in the One Hundred Twelfth Congress.

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED TWELFTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Twelfth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in such subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $12,235,047; Committee on Armed Services, $15,050,528; Committee on the Budget, $12,066,370; Committee on Education and the Workforce, $16,692,508; Committee on Energy and Commerce, $22,409,582; Committee on Ethics, $5,868,311; Committee on Financial Services, $17,399,282; Committee on Foreign Affairs, $17,904,940; Committee on Homeland Security, $16,887,448; Committee on House Administration, $10,516,013; Permanent Select Committee on Intelligence, $10,307,500; Committee on the Judiciary, $16,802,812; Committee on Natural Resources, $15,739,532; Committee on Oversight and Government Reform, $21,226,108; Committee on Rules, $6,783,970; Committee on Science, Space, and Technology, $13,346,273; Committee on Small Business, $6,874,000; Committee on Transportation and Infrastructure, $19,830,446; Committee on Veterans' Affairs, $7,285,256; and Committee on Ways and Means, $19,602,731.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall

be available for expenses incurred during the period beginning at noon on January 3, 2011, and ending immediately before noon on January 3, 2012.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $6,189,494; Committee on Armed Services, $7,525,264; Committee on the Budget, $6,033,185; Committee on Education and the Workforce, $8,346,254; Committee on Energy and Commerce, $10,980,940; Committee on Ethics, $2,824,535; Committee on Financial Services, $8,441,264; Committee on Foreign Affairs, $8,952,470; Committee on Homeland Security, $8,443,724; Committee on House Administration, $4,949,176; Permanent Select Committee on Intelligence, $5,153,750; Committee on the Judiciary, $8,401,406; Committee on Natural Resources, $7,869,766; Committee on Oversight and Government Reform, $10,613,054; Committee on Rules, $3,391,985; Committee on Science, Space, and Technology, $6,685,637; Committee on Small Business, $3,214,891; Committee on Transportation and Infrastructure, $9,915,223; Committee on Veterans' Affairs, $3,602,745; and Committee on Ways and Means, $9,801,365.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2012, and ending immediately before noon on January 3, 2013.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $6,045,553; Committee on Armed Services, $7,525,264; Committee on the Budget, $6,033,185; Committee on Education and the Workforce, $8,346,254; Committee on Energy and Commerce, $11,428,642; Committee on Ethics, $3,043,776; Committee on Financial Services, $8,958,018; Committee on Foreign Affairs, $8,952,470; Committee on Homeland Security, $8,443,724; Committee on House Administration, $5,566,837; Permanent Select Committee on Intelligence, $5,153,750; Committee on the Judiciary, $8,401,406; Committee on Natural Resources, $7,869,766; Committee on Oversight and Government Reform, $10,613,054; Committee on Rules, $3,391,985; Committee on Science, Space, and Technology, $6,660,637; Committee on Small Business, $3,659,109; Committee on Transportation and Infrastructure, $9,915,223; Committee on Veterans' Af-

1 fairs, $3,682,512; and Committee on Ways and Means,
2 $9,801,366.

3 (c) REVIEW OF USE OF FUNDS IN FIRST SESSION.—
4 None of the amounts provided for in section 1 for a com-
5 mittee named in subsection (b) may be available for ex-
6 penses of the committee after March 15, 2012, unless the
7 chair or ranking minority member of the committee ap-
8 pears and presents testimony at a hearing of the Com-
9 mittee on House Administration held prior to such date
10 to review the committee's use of the amounts provided for
11 in section 1 during the first session of the One Hundred
12 Twelfth Congress and to determine whether the amount
13 specified in subsection (b) with respect to the committee
14 should be updated on the basis of the review.

15 **SEC. 4. VOUCHERS.**

16 Payments under this resolution shall be made on
17 vouchers authorized by the committee involved, signed by
18 the chairman of such committee, and approved in the
19 manner directed by the Committee on House Administra-
20 tion.

21 **SEC. 5. REGULATIONS.**

22 Amounts made available under this resolution shall
23 be expended in accordance with regulations prescribed by
24 the Committee on House Administration.

○

The CHAIRMAN. Does any member wish to be heard on the resolution?

Does any member wish to offer an amendment to the resolution?

Hearing none, I will now move the committee's report H. Res. 147 favorably to the House. The question is on the motion. All those in favor, signify by saying aye. Any opposed?

The ayes have it, and the motion is agreed to. The resolution will be reported to the House.

Without objection, the motion to reconsider is laid upon the table.

Does any member wish to file supplemental minority or additional views for inclusion in the committee report?

Mr. BRADY. Mr. Chairman, I announce that the minority requests 2 additional days provided by Clause 2(L) of Rule XI of the Rules of the House to file additional views.

The CHAIRMAN. Without objection. Pursuant to clause 2 of Rule VI, the member is entitled to two additional calendar days to file such views in writing and signed by any member with the clerk of the committee.

I ask unanimous consent that the committee staff be authorized to make any necessary technical or conforming changes to the measure the committee just considered. Without objection, it is so ordered.

Now consistent with past bipartisan practice, the official mail amounts for standing and select committees of the House are set by resolution from the Committee on House Administration. We have limited or capped each committee's allocation to $5,000 per session of Congress. To meet this obligation, the committee shall now consider the resolution to grant the official mail allowances for the committees for the first and second sessions of the 112th Congress.

Our committees perform vital roles in the House, and their franked mail allowance give them some flexibility to communicate the job that they are doing. I would urge adoption of the committee resolution, and I recognize Ranking Member Brady for any statement he may have.

Mr. BRADY. Thank you, Mr. Chairman.

The committee resolution fixing the amount available for franking by House committees continues the practice of limiting mass mailings by committees proposed by our late colleague, Juanita Millender McDonald, in the 109th Congress. This committee has adopted similar versions of the franking resolution in the past with bipartisan support. The resolution will limit each committee to $5,000 per session. I am pleased to see this practice continued in the 112th Congress, and I urge an aye vote.

The CHAIRMAN. Thank you very much for your comments.

I now call up the Committee Resolution to Approve Franked Mail Allowances for Committees for the 112th Congress. The resolution limits the franked mailed allowances to committees for this Congress.

Without objection, the resolution will be considered as read and open to amendment at any point.

[The information follows:]

COMMITTEE ON HOUSE ADMINISTRATION
112TH CONGRESS
COMMITTEE RESOLUTION 112-5
MARCH 9, 2011

Resolution to Approve Franked Mail Allowances for Committees for the 112th Congress

Resolved, pursuant to Public Law 101-520 § 311 (e) [2 USC 59e(e)] that effective January 3, 2011, and during the first session of the One Hundred Twelfth Congress, the allocation of the Official Mail Allowance for the following committees of the House of Representatives is:

Committee on Agriculture	$5000
Committee on Armed Services	$5000
Committee on the Budget	$5000
Committee on Education and the Workforce	$5000
Committee on Energy and Commerce	$5000
Committee on Ethics	$5000
Committee on Financial Services	$5000
Committee on Foreign Affairs	$5000
Committee on Homeland Security	$5000
Committee on House Administration	$5000
Committee on the Judiciary	$5000
Committee on Natural Resources	$5000
Committee on Oversight and Government Reform	$5000
Committee on Rules	$5000
Committee on Science, Space, and Technology	$5000
Committee on Small Business	$5000
Committee on Transportation and Infrastructure	$5000
Committee on Veterans' Affairs	$5000
Committee on Ways and Means	$5000
House Permanent Select Committee on Intelligence	$5000

Resolved further, pursuant to Public Law 101-520 § 311 (e) [2 USC 59e(e)] that effective January 3, 2012, and during the second session of the One Hundred Twelfth Congress, the allocation of the Official Mail Allowance for the following committees of the House of Representatives is:

Committee on Agriculture	$5000

Committee on Armed Services	$5000
Committee on the Budget	$5000
Committee on Education and the Workforce	$5000
Committee on Energy and Commerce	$5000
Committee on Ethics	$5000
Committee on Financial Services	$5000
Committee on Foreign Affairs	$5000
Committee on Homeland Security	$5000
Committee on House Administration	$5000
Committee on the Judiciary	$5000
Committee on Natural Resources	$5000
Committee on Oversight and Government Reform	$5000
Committee on Rules	$5000
Committee on Science, Space, and Technology	$5000
Committee on Small Business	$5000
Committee on Transportation and Infrastructure	$5000
Committee on Veterans' Affairs	$5000
Committee on Ways and Means	$5000
House Permanent Select Committee on Intelligence	$5000

The CHAIRMAN. Does any member wish to be heard on the resolution?

Does any member wish to offer an amendment to the resolution?

If not, the question is on agreeing to the committee resolution. All those in favor, signify by saying aye. Opposed, no.

In the opinion of the chair, the ayes have it. The resolution is agreed to.

Without objection, the motion to reconsider is laid on the table. I ask unanimous consent that the committee staff be authorized to make any necessary technical or conforming changes to the measure the committee just considered. Without objection, it is so ordered.

Pursuant to the committee's responsibilities under the Congressional Budget Act of 1974 and House Rule X, the committee must submit views and estimates on certain matters within the jurisdiction of the Committee on the Budget. Traditionally, committees have used their views and estimates to comment on the President's budget submission. This committee resolution states the committee's views and estimates on two nonlegislative agencies we oversee: the FEC, the Federal Election Commission, and the Election Assistance Commission.

The FEC is an independent, bipartisan commission which facilitates transparency in the Federal election process through public disclosure of campaign finance data. It also encourages compliance with the Federal Election Campaign Act as well as interpreting and administering the Presidential Election Campaign Fund, the Presidential Primary Matching Payment Account Act. The FEC also enforces these acts through audits, investigations, and civil litigation.

The fiscal year 2012 Presidential Budget Request for the FEC is the same as the 2010 fiscal year request. The FEC's budget reflects the resources necessary to carry out its mission in the upcoming fiscal year. I will say this committee will conduct vigorous oversight to identify possible future savings.

This committee resolution also addresses the Election Assistance Commission created to assist with implementation of the Help America Vote Act of 2002.

The Presidential Budget Request for fiscal year 2012 leaves the EAC with a net operating budget of $10,465,665. This is a reduction from its allocation in fiscal year 2010 and the fiscal year 2011 continuing resolutions.

Our Subcommittee on Elections will conduct an oversight hearing on the EAC later this month to consider its operations to date and its budget request. I would urge adoption of this committee resolution.

I would now recognize Ranking Member Brady for any statement.

Mr. BRADY. Thank you, Mr. Chairman.

I generally support the proposed views and estimates but disagree with specific sections related to the Election Assistance Commission. My Democratic colleagues and I will submit additional views that address our concerns.

We also look forward to further discussing the EAC in next week's hearing, and I will vote aye on this resolution.

The CHAIRMAN. I thank the gentleman.

I would now call up Committee Resolution to Approve Committee Views and Estimates for Fiscal Year 2012. The resolution contains the committee's views and estimates of the activities of the Federal Election Commission and the Election Assistance Commission.

Without objection, the resolution will be considered as read and open to amendment at any point.

[The information follows:]

COMMITTEE ON HOUSE ADMINISTRATION
112TH CONGRESS
COMMITTEE RESOLUTION 112-6
MARCH 9, 2011

Resolution to Approve Committee Views and Estimates

Resolved, pursuant to § 301(d) of the Congressional Budget Act of 1974 and House Rule X, clause 4(f), the Committee adopts the following views and estimates for Fiscal Year 2012:

COMMITTEE ON HOUSE ADMINISTRATION
VIEWS AND ESTIMATES FOR FISCAL YEAR 2012

Federal Election Commission

The Federal Election Commission (FEC) is an independent, bipartisan commission which facilitates transparency in the Federal election process through public disclosure of campaign finance data, and encourages compliance with the Federal Election Campaign Act by providing information and policy guidance. The FEC administers and interprets the Federal Election Campaign Act, the Presidential Election Campaign Fund, and the Presidential Primary Matching Payment Account Act. The FEC also enforces these Acts through audits, investigations, and civil litigation.

The FY 2012 Presidential Budget Request totals $67,014,000, which includes an unobligated balance brought forward. Otherwise, the FEC's level of appropriation ($67,000,000) has remained the same from FY 2010 to the FY 2012 budgets. The FEC's budget reflects the resources necessary to carry out its mission in the upcoming fiscal year. The Committee will conduct vigorous oversight to identify and realize future potential savings.

Election Assistance Commission

The Election Assistance Commission (EAC) is an independent, bipartisan commission which develops guidance to meet Help America Vote Act (HAVA) requirements, adopts voluntary voting system guidelines, and serves as a national clearinghouse of information on election administration. The EAC also certifies voting systems, accredits test laboratories, and audits the use of HAVA funds.

The FY 2012 Presidential Budget Request and the current continuing resolution both eliminate election reform grants previously administered by the EAC and funded at $75 million in FY 2010. The Presidential Budget Request for the EAC totals $13,715, 655, which includes a transfer of $3.25 million to the Department of Commerce National Institute of Standards and Technology. EAC is left with a net operating budget of $10,465,665. This is a reduction from its FY 2010 and FY 2011 continuing resolution net operating budget of $14,459,000. The Inspector General of the EAC testified before the Appropriations Committee on March 2, 2011, that 51.7% of the FY 2012 budget request goes to "management". The IG also testified that the agency was overly bureaucratic and had an excessive number of staff. According to his testimony, the EAC's overhead is very high as illustrated by the fact that the Commission uses $5,406,718 to manage programs totaling $3,486,601. Based on the Inspector General's comments, the Committee would support dramatic reductions to the budget for the EAC. Four Committee members have introduced a bill to terminate the agency.

The CHAIRMAN. Does any member wish to be heard on the resolution?

Does any member wish to offer an amendment to the resolution?

If not, the question is on agreeing to the committee resolution. All those in favor, signify by saying aye. Opposed, no.

In the opinion of the chair, the ayes have it, and the resolution is agreed to.

Without objection, the motion to reconsider is laid upon the table. I ask unanimous consent that the committee staff be authorized to make any necessary technical or conforming changes to the measure of the committee just considered. And without objection, it is ordered.

This committee resolution approves the committee consulting contract with Baker and Hostettler for the first session of the 112th Congress. Contracts such as this help us as a committee to perform our election oversight duties. I would urge adoption of the resolution.

I would now recognize Ranking Member Brady for any statement.

Mr. BRADY. Thank you, Mr. Chairman.

I support this committee resolution and wish to inform you that the Democratic members may retain their own outside counsel in the future and hope that the committee will support a contract for that at the appropriate time. And I urge an aye vote.

The CHAIRMAN. I appreciate the gentleman's comments, and they reflect our understanding.

I would now call up the Committee Resolution to Approve a Committee Consulting Contract. The resolution approves a contract with consultants to advise this committee with respect to matters within its jurisdiction. Without objection, the resolution will be considered as read and open to amendment at any point.

[The information follows:]

COMMITTEE ON HOUSE ADMINISTRATION
112TH CONGRESS
COMMITTEE RESOLUTION 112-7
MARCH 9, 2011

Resolution to Approve a Consulting Contract

Resolved, that the Committee on House Administration approves the Committee Consulting Contract with Baker Hostetler LLP for the First Session of the 112th Congress.

The CHAIRMAN. Does any member wish to be heard on the resolution?

Does any member wish to offer an amendment to the resolution?

If not, the question is on agreeing to the committee resolution. All those in favor, signify by saying aye. Opposed, no.

In the opinion of the chair, the ayes have it. The ayes have it, and the resolution is agreed to.

Without objection, the motion to reconsider is laid upon the table. I ask unanimous consent that the committee staff be authorized to make any necessary or technical or conforming changes to the measure the committee just considered. Without objection, it is so ordered.

Just for the public record, all members had an opportunity to review the resolutions before us, including the consultant contract, before we entered this chamber; and we had reached agreement at that point.

And if there is no further business, this committee stands adjourned.

[Whereupon, at 1:13 p.m., the committee was adjourned.]